



The appellant is assigned to the Institutional Advancement Office<sup>2</sup> within the Division of Institutional Advancement and reports to the Institutional Advancement Comptroller and Foundation Chief Financial Officer, a non-civil service title. The appellant does not supervise employees, but takes the lead over one Professional Services Specialist 4, Administrative Services. The appellant sought a reclassification of her position, alleging that her duties are more closely aligned with the duties of a Professional Services Specialist 1, Administrative Services. In support of her request, the appellant submitted a PCQ, detailing the different duties that she performed. Agency Services reviewed all documentation supplied by the appellant including her PCQ, Performance Assessment Review (PAR) and organizational chart. Based on its review of the information provided, Agency Services concluded that the appellant's position was properly classified as Professional Services Specialist 2, Administrative Services.

On appeal to the Civil Service Commission (Commission), the appellant states she is involved with and provides selection recommendations if there are job openings in her area, and notes that she is currently a member of the hiring committee. The appellant also maintains that other employees in the requested title do not have any more authority than she concerning hiring, and they are not responsible for supervision. She asserts that Professional Services Specialist 1, Administrative Services is not a supervisory title. She maintains that the Vice President of Finance discussed the complexity of her work and the independent level of judgment in support of her prior classification review request. *See In the Matter of Susan Gluchanicz, Ramapo College of New Jersey* (CSC, decided December 18, 2013).<sup>3</sup> Further, the appellant states that she is the recording secretary and develops an agenda for each quarterly meeting for various committees. She also argues that job postings from Ramapo do not mention developing agendas or supervising employees. Additionally, the appellant indicates that she oversees several budgets. She maintains that the classification of this position is not consistent with those of others, and that no position matches the job specification in all respects. She argues that the Benefits Manager performs supervision, but is in a lower salary range than her supervisor. She indicates that her job description is similar to that a posting for the title Professional Services Specialist 1, Administrative Services, referred to by Ramapo as Accountant.<sup>4</sup>

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<sup>2</sup> Agency Services had indicated it was in the Office of Grants & Sponsored Programs.

<sup>3</sup> In that determination, the Commission concluded that the position was properly classified as Professional Services Specialist 2, Administrative Services.

<sup>4</sup> In the State classification plan, the Accountants are in a title series from 1 to 3, and Accountant 1 is a primary supervisory title.

## CONCLUSION

*N.J.A.C. 4A:3-3.9(e)* states that in classification appeals, the appellant shall provide copies of all materials submitted, the determination received from the lower level, statements as to which portions of the determination are being disputed, and the basis for appeal. Information and/or argument which was not presented at the prior level of appeal shall not be considered.

The definition section of the job specification for Professional Services Specialist 2, Administrative Services states:

Under the supervision of a higher administrative officer in the Administrative Services area at a State college, is responsible for independently performing professional work of considerable difficulty using established policies, procedures, precedents, and guidelines; takes the lead over lower level staff; does related work as required.

The definition section of the job specification for Professional Services Specialist 1, Administrative Services states:

Under the direction of a Director 2 or higher administrative officer in the Administrative Services area at a State college, is responsible for independently performing a professional function or functions of unusual difficulty, sensitivity and/or complexity within the context of established college policies and procedures; does related work as required.

The definition section of the job specification for Budget Analyst 1 states:

Under direction of a supervisor in a State department or agency, performs the more responsible/complex technical budget analysis and attendant budget work including preparation of detailed analyses and reports; supervises staff and work activities; prepares and signs official performance evaluations for subordinate staff; does other related duties.

The definition section of the job specification for Budget Analyst 2 states:

Under supervision, of a Budget Analyst 1, or other higher level supervisory official in a State department, institution, or agency, performs the technical work involved in budget analysis and attendant budget work, including the preparation of detailed analysis and reports; does other related duties.

Initially, it is noted that Ramapo conducted its own review of the appellant's position and provided her with a denial letter. In a related matter, *In the Matter of Jillian Itri, Rowan University* (CSC, decided June 20, 2018), the Commission discussed the history regarding the issue of the appointing authority conducting classification reviews. It indicated that the question if positions in the State Colleges are subject to the position classification authority of the provisions of Title 11A of the New Jersey Statutes and Title 4A of the New Jersey Administrative Code can be confusing because of the overlapping areas of responsibilities between the State Colleges and the Commission. Prior to July 1986, all positions in the State Colleges were clearly subject to the provisions of the former Title 11.<sup>5</sup> However, effective July 9, 1986, the Legislature passed P.L. 1986 c. 42, that provided the State Colleges increased autonomy in many areas. As part of this increased autonomy, *N.J.S.A. 18A:64-21.2* was enacted specifying that professional members of the academic, administrative and teaching areas were not subject to the provisions of the former Title 11. *N.J.S.A. 18A:64-21.2* states:

Professional members of the academic, administrative and teaching staffs shall include all faculty positions, current professional positions listed as unclassified positions pursuant to Title 11, Civil Service, of the Revised Statutes *and all professional positions currently listed as classified positions pursuant to Title 11 of the Revised Statutes, which are not presently included within any bargaining unit.* All these positions shall be removed from the provisions of Title 11 of the Revised Statutes; however, any employee currently having classified status in a title shall have the option of retaining all the rights and privileges of a classified employee in that title for so long as the employee maintains uninterrupted service in, or is on an approved leave of absence from, that title. (Emphasis added).

Significantly, State Colleges were still permitted to appoint, remove, promote and transfer other officers, agents or employees in accordance with the former Title 11. After the enactment of P.L. 1986, c. 42, the Commission removed a number of classified titles not included in a bargaining unit from the State Classification Plan for use by the State Colleges. Thereafter, the Department of Higher Education established the State College Classification Plan (SCCP) to govern the classification of those positions that were removed from the provisions of Title 11. The SCCP was administered by the former Chancellor of Higher Education, through the Presidents of each of the State Colleges. In fact, a regulatory scheme governing the SCCP, *N.J.A.C. 9-6A* and *9:6*, was in place between January 1988 and May 1996 that provided for the State Colleges to determine all matters concerning position classification for the positions that were removed from the auspices of Title 11. In other words, some positions in State Colleges were subject to a classification review

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<sup>5</sup> Now Title 11A.

by the Commission (bargaining unit titles) and others to classification review procedures by the State Colleges (non-bargaining unit titles).

However, in 1993 the Merit System Board<sup>6</sup> created many generic non-competitive titles for use by the Department of Higher Education as part of a settlement agreement to resolve a clarification of bargaining unit charge brought before the Public Employee Relations Commission by the CWA. Specifically, that charge claimed that some of the titles created by the State Colleges after July 1986, *i.e.*, the ones no longer subject to the provisions of Title 11A, actually involved functions performed by career service titles that were formerly aligned, bargaining unit titles. Germane to the matter at hand, one of the title series that was created is Professional Services Specialist 2, Administrative Services. Accordingly, when these generic, non-competitive titles were created, they were assigned to an employee relations group to the appropriate bargaining unit. Although further legislation was enacted in 1994 providing for more autonomy of the State Colleges, the regulatory scheme governing the SCCP expired in May 1996.

Prior to the expiration of the rules governing State College personnel practices and classification in May 1996, in or around July 1994, this agency took the position that it was not required to review or approve any classification actions within the State Colleges for *any* career service title, but that the former Commissioner of Personnel would review appeals of classification decisions made by a State College regarding an incumbent in *any career service title* in the context of the classification plan put in place by the particular State College for its employees. In other words, the Commissioner of Personnel would not utilize the same standards set for other Executive branch agencies when reviewing appeals of initial classification determinations made by a State College. This position was apparently taken in anticipation of a task force report required by the Higher Education Restructuring Act of 1994 regarding the feasibility of continued Civil Service status for State College employees serving in *non-professional* and *non-academic* titles. *See* P.L. 1994, c. 48. As a result of a committee's review, in its June 1995 report to the Governor and Legislature, the Commission on Higher Education recommended legislation that would allow the State Colleges to assume full responsibility for its employees currently covered under Civil Service that preserved the impacted employees' rights up to the expiration of the collective negotiations agreement on July 1, 1998. Anticipating that the State Colleges would "assume administrative responsibility for those [S]tate college employees who are currently under civil service" at least by July 1998, the Commission on Higher Education noted that State Colleges could utilize the services of the Department of Personnel as "customers," if all the parties were agreeable, in such areas as

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<sup>6</sup> On June 30, 2008, Public Law 2008, Chapter 29 was signed into law and took effect, changing the Merit System Board to the Civil Service Commission, abolishing the Department of Personnel and transferring its functions, powers and duties primarily to the Civil Service Commission.

classification and testing, where “regulations may not be necessary in those particular areas.”

Based on the aforementioned, in this case, it appears that Ramapo performed the initial classification review of the appellant’s position and she appealed its January 18, 2017 determination to the Commission. However, the arrangement to permit the State Colleges to make initial classification determinations appealable to the former Commissioner of Personnel (now Commission), occurred in 1994, when specific regulatory criteria still existed establishing and governing the SCCP, *i.e.*, the former Title 9 and Title 9A of the New Jersey Administrative Code. Further, in anticipation of legislation to permit it to do so, the Commissioner of Higher Education’s report in June 1995 envisioned that the State Colleges would assume administrative responsibility for employees covered under Civil Service by July 1998. However, the regulations governing State College personnel practices and classification expired in May 1996 and legislation has yet to be enacted providing the State Colleges full responsibility for its employees currently covered under Civil Service. Accordingly, since it is still current law, the Commission’s review of position classifications in the State Colleges must be done in compliance with *N.J.S.A.* 18A:64-21. Therefore, the Commission has the authority to review position classifications at the various State Colleges of all non-professional and professional career service positions which are included within a bargaining unit in a State College, *i.e.*, positions classified by aligned titles. As the appellant’s current permanent title, as well as the duties of her position, are professional in nature and would be included within a bargaining unit, the Commission can review this appeal.

In the matter at hand, the primary function of the position is to oversee the allocation of grant funding and ensure that it complies with established policies and procedures. Although she explains in her appeal to the Commission that there are some restricted gifts and grants that are awarded with no structured budget that requires her to meet with an awardee to develop a budget based on their award and timeliness, the appellant’s position is not primarily responsible for the development and recommendation of an appropriate budget for all the activities for which she is responsible. Rather, she provides the budget analysis and accounting required for grants. The position is closely concerned with monitoring and analyzing budgets. These duties fall squarely within the definition for the title Budget Analyst 2, an aligned title.

With respect the appellant’s argument that she is a member of the hiring committee, this information was not included on her PCQ. Additionally, she did not indicate that she interviews perspective subordinate staff members. She also did not indicate that she supervised the fiscal affairs of the unit. As indicated earlier, *N.J.A.C.* 4A:3-3.9(e) states that in classification appeals, *information and/or argument which was not presented at the prior level of appeal shall not be considered.* Nevertheless, the Civil Service Commission has determined that the

*essential component* of supervision is the responsibility for the administration of performance evaluations for subordinate staff. *See In the Matter of Timothy Teel* (MSB, decided November 16, 2001). Actual authority is evidenced by being named the rater on the performance evaluation document. *See In the Matter of Harry Corey, et al.* (MSB, decided September 21, 2005). In the present case, the appellant does not have the responsibility of supervising staff as she does not complete employee evaluations. As Budget Analyst 1 is a supervisory title, this title is not appropriate for a non-supervising position. In 2014, Ramapo performed a classification review of this position, and determined that it was properly classified as a Budget Analyst 1. The appellant was not made provisional in that title and official records do not indicate that she received an increase in salary. Further, the position would have been inappropriately classified as Budget Analyst 1 since that title is allocated to the “R,” or primary level supervisory employee relations group. Incumbents in titles assigned to the “R” employee relations group are required to supervise subordinate staff, including having the responsibility to conduct formal performance evaluations for three or more subordinates. *See In the Matter of Rosemary Lynne Gash, Office of Information Technology* (CSC, decided April 19, 2017).

As to the appellant’s argument that other positions are not required to hire, fire, demote, or complete PARS and that the standard of her position classification is different than those currently applied to other Professional Services Specialist 1, Administrative Services at the appointing authority, the appellant’s position stands on its own and is classified based on the duties she performs. The duties performed by other individuals, whether properly or improperly classified, are irrelevant in determining the proper classification of the appellant’s position. Significantly, a classification appeal cannot be based solely on a comparison to the duties of another position, *especially if that position is misclassified*. *See In the Matter of Carol Maita, Department of Labor* (Commissioner of Personnel, decided March 16, 1995).

In accordance with *N.J.A.C. 4A:3-3.5(c)* within 30 days from the issuance date of a classification determination, an appointing authority shall either effect the required change in the classification of the employee’s position; assign duties and responsibilities commensurate with the employee’s current title; or reassign the employee to duties and responsibilities to which the employee has rights.

A thorough review of the information presented in the record establishes that the appellant’s position is not properly classified as an Professional Services Specialist 2, Administrative Services, and she has not presented a sufficient basis to establish that her position warrants an Professional Services Specialist 1, Administrative Services job classification. Rather, her position should be classified as Budget Analyst 2. As the Commission is reclassifying her position in this proceeding, consistent with *N.J.A.C. 4A:3-3.5(c)*, her effective date shall be the pay period 30 days from the date of this decision, or August 18, 2018, unless the

appointing authority reassigns her duties consistent with her permanent title of Professional Services Specialist 2, Administrative Services.

**ORDER**

Therefore, the Civil Service Commission concludes that the position of Susan Gluchanicz is properly classified as a Budget Analyst 2, effective August 18, 2018. Within 30 days of the issuance date on this decision, the appellant should receive a provisional appointment as a Budget Analyst 2 or she be assigned duties consistent with her permanent title of Professional Services Specialist 2, Administrative Services.

This is the final administrative determination in this matter. Any further review is to be pursued in a judicial forum.

DECISION RENDERED BY THE  
CIVIL SERVICE COMMISSION ON  
THE 18th DAY OF JULY, 2018



Deirdré L. Webster Cobb  
Chairperson  
Civil Service Commission

Inquiries  
and  
Correspondence

Christopher S. Myers  
Director  
Division of Appeals and Regulatory Affairs  
Civil Service Commission  
Written Record Appeals Unit  
P. O. Box 312  
Trenton, New Jersey 08625-0312

c: Susan Gluchanicz  
David Vernon  
Kelly Glenn  
Records Center